

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ELIZABETH A. GILMORE,

Plaintiff,

v.

FULBRIGHT & JAWORSKI, L.L.P.,

Defendant.

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C.A. No. _____

NOTICE OF REMOVAL

Defendant Fulbright & Jaworski L.L.P., pursuant to 28 U.S.C. §§ 1441 and 1446, files this Notice of Removal of the above captioned cause to the United States District Court for the Southern District of Texas, Houston Division, and in support respectfully show the Court the following:

I.

On May 19, 2006, Plaintiff filed her Original Petition, styled *Elizabeth A. Gilmore v. Fulbright & Jaworski L.L.P.*, in the 151st Judicial District Court of Harris County, Texas, and docketed as Case No. 2006-31,303, alleging claims of discrimination arising under the Texas Commission on Human Rights Act, TEX. LABOR CODE § 21.051 *et seq.* On November 17, 2006, Plaintiff filed her First Amended Original Petition, alleging for the first time a claim arising under the Family and Medical Leave Act (“FMLA”), 29 U.S.C. § 2601 *et seq.* A copy of the relevant pleadings are attached hereto. The only order signed by the state court judge is a Docket Control Order also attached hereto.

II.

Plaintiff's cause of action is one over which this Court has original jurisdiction by virtue of 29 U.S.C. § 2601, to wit: "Defendant wrongfully discriminated against/discharged Plaintiff in violation of the Family and Medical Leave Act of 1993, 29 U.S.C. § 2601." Pl.'s 1st Am. Pet. at 10. As such, this lawsuit is one that the Court has original jurisdiction pursuant to 28 U.S.C. § 1331, and is one which may be removed to this Court by Fulbright & Jaworski L.L.P. pursuant to 28 U.S.C. §§ 1441 and 1446, in that Plaintiff alleges that Fulbright & Jaworski L.L.P. has violated the FMLA.

III.

Plaintiff filed her First Amended Original Petition on November 17, 2006, in which she first asserted claims arising under the FMLA. Therefore, this Notice is timely filed pursuant to 28 U.S.C. §1446.

A true and correct copy of Fulbright & Jaworski L.L.P.'s Notice of Removal will be filed with the District Clerk for the District Courts of Harris County and served on all parties.

WHEREFORE, PREMISES CONSIDERED, Fulbright & Jaworski L.L.P. prays that the action now pending in the 151st Judicial District Court of Harris County, Texas, as described herein be removed to the United States District Court for the Southern District of Texas, Houston Division.

Respectfully submitted,

/s/ Lawrence H. Clore by /s/ David B. Jordan

Lawrence H. Clore

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OF COUNSEL:

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David B. Jordan

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CERTIFICATE OF SERVICE

This pleading was served in compliance with Rule 5 of the Federal Rules of Civil Procedure on this the 5th day of December 2006, on counsel for Plaintiff, via United States mail, certified, return receipt requested.

/s/ David B. Jordan

David B. Jordan